

1 Marilyn Raia, SBN 072320
E-Mail: marilyn.raia@bullivant.com
2 Andrew B. Downs, SBN 111435
E-Mail: andy.downs@bullivant.com
3 BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
4 San Francisco, California 94108
Telephone: 415.352.2700
5 Facsimile: 415.352.2701

6 Attorneys for Plaintiffs Zurich American
Insurance Company, Starr Indemnity &
7 Liability Company

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 ZURICH AMERICAN INSURANCE
12 COMPANY, a corporation; STARR
INDEMNITY & LIABILITY COMPANY, a
13 corporation,

14 Plaintiffs,

15 vs.

16 GUAM INDUSTRIAL SERVICES, INC., dba
GUAM SHIPYARD; MATHEWS POTHEN;
17 THE UNITED STATES OF AMERICA, by
and through the Secretary of Transportation for
18 the Maritime Administration,

19 Defendants.

Case No.: CV 11 1874 MEJ

**STIPULATION AND REQUEST TO
VACATE CASE MANAGEMENT
CONFERENCE, DISCLOSURE AND
ADR DEADLINES PENDING
DETERMINATION OF MOTION TO
DISMISS OR TRANSFER; ~~[PROPOSED]~~
ORDER**

21 Plaintiffs Zurich American Insurance Company and Starr Indemnity & Liability
22 Company and defendants Guam Industrial Services, Inc., Mathews Pothén and the United States
23 of America stipulate and request as follows:

- 24 1. A Case Management Conference is set for July 28, 2011 (Docket #3).
25 2. In conjunction with the Case Management Conference, the parties are required to
26 meet and confer and to complete Initial Disclosures pursuant to F.R.Civ.P. 26 by July 21, 2011.
27 The parties are also required to submit ADR Certifications by July 7, 2011. (Docket #3).
28

1 3. On June 29, 2011, defendants Guam Industrial Services, Inc. and Mathews
2 Pothen filed a motion to dismiss this action on the ground that the court lacks personal
3 jurisdiction over them, and in the alternative to transfer this action pursuant to 28 U.S.C. § 1404
4 to the United States District Court for the District of Guam. That motion is set for hearing on
5 August 4, 2011. (Docket #10). Plaintiffs have requested limited discovery on the jurisdictional
6 issues. That request is under consideration by defendants. If that discovery is agreed to by
7 defendants, or ordered by the court, a continuance of the August 4 hearing date will be
8 necessary.

9 4. The parties believe the jurisdictional and venue issues should be resolved before
10 the case management process and before initial disclosures occur. Accordingly, they request
11 that the court vacate the July 28, 2011 Case Management Conference and set a new Case
12 Management Conference date and associated deadlines, if necessary, following a ruling on the
13 motion to dismiss or transfer.

14 DATED: July 5, 2011

15 BULLIVANT HOUSER BAILEY PC

16
17 By /s/ Andrew B. Downs

18 Marilyn Raia

19 Andrew B. Downs

20 Attorneys for Plaintiffs Zurich American Insurance
21 Company, Starr Indemnity & Liability Company

22 DATED: July 5, 2011

23 EMARD DANOFF PORT TAMULSKI &
24 PAETZOLD LLP

25 By /s/ Eric Danoff (by e-mail authorization)

26 Eric Danoff

27 Attorneys for Defendants Guam Industrial
28 Services, Inc. and Mathews Pothen

1 DATED: July 5, 2011

2 TONY WEST
3 Assistant Attorney General
4 MELINDA L. HAAG
5 United States Attorney
6 R. MICHAEL UNDERHILL
7 Attorney in Charge, West Coast Office
8 Torts Branch, Civil Division

9 By /s/ R. Scott Blaze (by e-mail authorization)
10 R. SCOTT BLAZE
11 Senior Admiralty Counsel
12 Torts Branch, Civil Division
13 U.S. Department of Justice


14 Attorneys for Defendant United States of America

15 **ORDER**

16 The Court finds there is good cause to vacate the Case Management Conference and
17 associated deadlines set in its Order of April 19, 2011 (Docket #3) pending resolution of the
18 motion to dismiss or transfer this action filed by defendants Guam Industrial Services, Inc. and
19 Mathews Pothen (Docket #10), accordingly,

20 IT IS HEREBY ORDERED that the Case Management Conference set for July 28, 2011
21 is VACATED. The Court will set a new Case Management Conference if necessary following
22 its ruling on the motion to dismiss or transfer this action. All other deadlines set by the April
23 19, 2011 Order are also vacated.

24 DATED: July 6, 2011

25 
26 _____
27 Chief United States Magistrate Judge

28 13438260.1